

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

APRIL TERM, 1908

No. 1875.

547

JESSIE E. THOMPSON, APPELLANT,

vs.

CHARLES N. THOMPSON.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

FILED MARCH 9, 1908.

Apr. 13, 1908,
R.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

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In the Court of Appeals of the District of Columbia.

No. 1875.

JESSIE E. THOMPSON, Appellant,
vs.
CHARLES N. THOMPSON.

a Supreme Court of the District of Columbia.

Law. No. 50145.

JESSIE E. THOMPSON, Plaintiff,
vs.
CHARLES N. THOMPSON, Defendant.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

1 *Declaration.*

Filed January 1, 1908.

In the Supreme Court of the District of Columbia.

Law. No. 50145.

JESSIE E. THOMPSON, Plaintiff,
vs.
CHARLES N. THOMPSON, Defendant.

The plaintiff sues the defendant for that heretofore, to wit, on the 20th day of January, A. D. 1907, the defendant made an assault upon the plaintiff, and beat, bruised, wounded and ill treated her; and other wrongs to the plaintiff then and there did, to the damage to the plaintiff of ten thousand dollars, and therefore she brings this suit.

Second Count. The plaintiff sues the defendant, for that heretofore, to wit, on the third day of February, A. D. 1907, the defendant made another assault upon the plaintiff, and again beat, bruised, wounded and ill treated her, and other wrongs to her then and there did, to the damage of the plaintiff in the sum of ten thousand dollars, and therefore she brings this suit.

Third Count. The plaintiff sues the defendant, for that heretofore, to wit, on the eighth day of February, A. D. 1907, the defendant made another assault upon the plaintiff, and again beat, bruised, wounded and ill treated her, and other wrongs to her then and there

2 did, to the damage of the plaintiff in the sum of ten thousand dollars, and therefore she brings this suit.

Fourth Count. The plaintiff sues the defendant for that heretofore, to wit, on the twenty-eighth day of April A. D. 1907, the defendant made another assault upon the plaintiff, who was then pregnant, as he, the defendant, then and there well knew, and he then and there beat, bruised, wounded and ill treated her; and other wrongs to the plaintiff then and there did, to the damage of the plaintiff of ten thousand dollars, and therefore she brings this suit.

Fifth count. The plaintiff sues the defendant for that heretofore, to wit, on the thirteenth day of May, A. D. 1907, the defendant made another assault upon the plaintiff, who was then pregnant, as he, the defendant, then and there well knew, and he then and there beat, bruised, wounded and ill treated her; and other wrongs to the plaintiff then and there did, to the damage of the plaintiff of ten thousand dollars, and therefore she brings this suit.

Sixth Count. The plaintiff sues the defendant for that heretofore, to wit, on the twenty-ninth day of May, A. D. 1907, the defendant made another assault upon the plaintiff, who was then pregnant, as he, the defendant, then and there well knew, and he then and there beat, bruised, wounded and ill treated her; and other wrongs to the plaintiff then and there did, to the damage of the plaintiff of ten thousand dollars, and therefore she brings this suit.

3 Seventh Count. The plaintiff sues the defendant for that heretofore, to wit, on the twelfth day of June, A. D. 1907, the defendant made another assault upon the plaintiff, who was then pregnant, as he, the defendant, then and there well knew, and he then and there beat, bruised, wounded and ill treated her; and other wrongs to the plaintiff then and there did, to the damage of the plaintiff of ten thousand dollars, and therefore she brings this suit.

And the plaintiff claims Seventy thousand dollars, besides the costs of this suit.

WM. M. LEWIN,
Attorney for the Plaintiff.

The defendant is to plead hereto on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after the day of the service hereof; otherwise judgment.

WM. M. LEWIN,
Attorney for the Plaintiff.

Defendant's Pleas.

Filed February 10, 1908.

In the Supreme Court of the District of Columbia.

At Law. No. 50145.

JESSIE E. THOMPSON, Plaintiff,

vs.

CHARLES N. THOMPSON, Defendant.

4 1. Now comes the defendant in the above entitled cause and for plea to the declaration of the plaintiff filed therein, and to each and every count thereof, says he is not guilty in the manner and form alleged therein.

2. And for a further plea to the said declaration of the plaintiff and to each and every count thereof, the defendant says that the plaintiff ought not to have or maintain her action against the defendant, because, he says that at the times the causes of action mentioned in the declaration are alleged to have arisen and accrued to the plaintiff, the plaintiff and the defendant were husband and wife and were living together as such.

LECKIE, FULTON & COX,
Attorneys for Defendant.

Joinder in Issue.

Filed February 14, 1908.

In the Supreme Court of the District of Columbia.

At Law. No. 50145.

JESSIE E. THOMPSON, Plaintiff,
vs.
CHARLES N. THOMPSON, Defendant.

The plaintiff joins issue upon the defendant's first plea.
WM. M. LEWIN,
Plaintiff's Attorney.

5 *Demurrer to Second Plea.*

Filed February 14, 1908.

In the Supreme Court of the District of Columbia.

At Law. No. 50145.

JESSIE E. THOMPSON, Plaintiff,
vs.
CHARLES N. THOMPSON, Defendant.

The plaintiff says that the defendant's second plea is bad in substance.

WM. M. LEWIN,
Plaintiff's Attorney.

Among the matters of law intended to be argued in support of the foregoing demurrer is the following:

When the causes of action, and each of them, in the declaration mentioned, arose, or accrued to the plaintiff, and ever since, including the time of the institution of the above entitled suit, a wife might, and still may, in the District of Columbia, institute and maintain, in her own name and right, an action at law against her husband for assault and battery committed by him upon her.

Supreme Court of the District of Columbia.

FRIDAY, *February 28th*, 1908.

Session resumed pursuant to adjournment, Hon. Thos. H. Anderson, Justice, presiding.

* * * * * *

6

No. 50145. At Law.

JESSIE E. THOMPSON, Plaintiff,

vs.

CHARLES N. THOMPSON, Def't.

Upon consideration of the demurrer filed herein on behalf of the plaintiff by her attorney Mr. Wm. M. Lewin, to the defendant's second plea, it is ordered that said demurrer be, and the same is hereby overruled. Whereupon, plaintiff by her said attorney in open Court, electing to stand upon said demurrer, judgment is ordered for the defendant. Whereupon, it is considered and adjudged that the plaintiff herein take nothing by this action, that the defendant go hereof without day, be for nothing held and recover of plaintiff his costs of defense to be taxed by the Clerk and have execution thereof.

From the foregoing the plaintiff by her attorney in open Court notes an appeal to the Court of Appeals; whereupon bond for costs is hereby fixed in the penalty of One Hundred Dollars, with leave to deposit the sum of Twenty-Five Dollars, in the Registry of this Court in lieu of such bond.

Memorandum.

March 3, 1908.—Appeal bond approved and filed.

7

Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 6 both inclusive, to be a true and correct transcript of the record according to Rule Five (5) of the Court of Appeals of the District of Columbia, in cause No. 50145, at Law, wherein Jessie E. Thompson is Plaintiff and Charles N. Thompson is Defendant, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 6th day of March, A. D. 1908.

[Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk*.

Endorsed on cover: District of Columbia supreme court. No. 1875. Jessie E. Thompson, appellant, *vs.* Charles N. Thompson. Court of Appeals, District of Columbia. Filed Mar. 9, 1908. Henry W. Hodges, clerk.

